

MINUTES

STATE OF WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL

July 23, 2002 - Special Meeting
WSU Building, Conference Room 308
925 Plum Street, Olympia, WA 98501

ITEM 1: CALL TO ORDER

Acting Chair Chuck Carelli called the meeting to order at 1:30 p.m.

ITEM 2: ROLL CALL

EFSEC Council Members

Community, Trade and Economic Development
Department of Ecology
Department of Fish & Wildlife
Department of Natural Resources
Utilities and Transportation Commission
Port of Gray Harbor

Richard Fryhling
Chuck Carelli
Jenene Fenton
Tony Ifie
Jeffrey Showman
Isabelle Lamb

Note the presence of Acting Chair Chuck Carelli and there is a quorum.

EFSEC Staff and Counsel

Allen Fiksdal
Irina Makarow
Mariah Laamb

Mike Mills
Michelle Elling
Julian "Pete" Dewell, ALJ – Satsop – phone

EFSEC Guests

Tom McKinney, BPA
Leroy Tipton, G.H. Chamber of Commerce
Kirk Deal, Carpenter's Union
Karen McGaffey, Perkins Coie
Terry Franklin – Citizen

Mike Lufkin, CFE
Alan Harger, WSDOT
Lauri Vigue, WDFW
William Frymire, AGO
Laura Schinnell, Energy Northwest

ITEM 3: ADOPTION OF PROPOSED AGENDA

The agenda consists on one item only, the Adoption of the Expedited Process, Procedure and Schedule for the Satsop Combustion Turbine Project – Phase II.

ITEM 4: SATSOP COMBUSTION TURBINE PROJECT – PHASE II

Adoption of the Expedited Process, Procedure and Schedule	Allen Fiksdal, Manager
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Allen Fiksdal: I sent the Council a memo on July 19, 2002, that outlined an expedited review process. This process was put together by a few members of the Council, representatives of Duke Energy and the Council for the Environment. The Council has granted expedited processing to Duke Energy Grays Harbor and Energy Northwest for the Satsop Combustion Turbine Project – Phase II, under Council rules, the Council does not have its consultant conduct further reviews nor does EFSEC hold adjudicative hearings. However, the Council is required to hold at least one public hearing before they make a recommendation to the Governor. This process that you have before you consists of seven steps:

Step one – Approve the process for expedited processing for the Satsop Combustion Turbine Project – Phase II. The Council (should) needs to adopt a process and memorialize it as part of a Council meeting. That is the reason we are here today's.

Step two – EFSEC issue a draft PSD and NPDES permits and fact sheets for a 30-day public and agency review and comment. This is planned for the next week. They will definitely be mailed by the 2nd of August.

Step three – Duke Energy plans to prepare some project information. The Council will want to review the information sheet to understand what Duke Energy is proposing and get some more information so they can be clear on what Duke is proposing. This fact sheet will be sent out with the PSD and NPDES fact sheets that EFSEC prepares.

Step four – The members who created this process, will meet to review the fact sheets being prepared by EFSEC and Duke Energy prior to the distribution of these documents. Staff will work with them to arrange a scheduled meeting date.

Step five – By August 26, 2002, EFSEC will schedule a public comment meeting in Montesano or Elma to hear comments about the project, the facts sheets for PSD and NPDES (the air and water permits) plus the information sheet from Duke Energy that will have been distributed. The public will have read them and can bring their comments to the Council at this meeting. The PSD and NPDES permits must have a 30-day comment period and a hearing and staff would try to coordinate the PSD and NPDES hearing dates with the public comment period.

Step six – The Council would like a panel discussion on some issues they have questions on. They would like to have Duke Energy and Council for the Environment (CFE), bring in some experts and discuss CO2 emissions, water quantity and low flow, and cumulative impacts to the Chehalis River. In addition there could be air and water quality questions based on the NPDES and PSD that the Council would like to have addressed.

Step seven – EFSEC would like Duke's Fact Sheets and if necessary, as part of the panel, information and people available if there are questions from the Council members on the traffic mitigation plan and implementation, and noise impact. If the information sheet prepared by Duke answers those questions to the Council's satisfaction, then the panel discussion would not be necessary. However, we are insuring that the Council members have those questions answered to their satisfaction.

Jenene Fenton: There are two additional issues identified that could be addressed in the fact sheets. These are; what is the status of the sediment that was taken off the site, and salt drift. If the fact sheets don't answer the Council's questions, the Council would still like the opportunity

to meet back with the group to discuss additional panels that may be needed on issues that the fact sheets don't address.

Karen McGaffey: This raises an issue on the fact sheet. Everyone has had an opportunity to review the list of questions, which is quite extensive. We discussed the other day, putting together the fact sheets and distributing them not only to the Council members but to the public at large, and it was my impression that the fact sheets would be relatively brief and clarify and respond to some of the things that are on the list of questions, but not necessarily all of them, since some of them are highly technical. The question I have for the Council is whether the Council wants written answers to all the questions? The fact sheet that is being prepared covers the issues more broadly. If it is useful, Duke Energy can do so, if you don't want that, OK.

Jenene Fenton: From my perspective, the fact sheets may answer the questions as they pertain to traffic. Issues of transportation, noise, salt drift and some of those others, if the Council still has questions, there may be a need. I don't want to foreclose the opportunity. I don't think it is necessary at this point for the Applicant to submit in writing the answers to all the questions on the lists. I think the Council has only talk to you. First, you need to have the opportunity to have a one on one and answer questions and second, have the opportunity if there are concerns raised by the public or other Council members, and third that the CFE has an opportunity to have someone to provide the other side of the story.

Allen Fiksdal: Step eight - The result of this process is to prepare an order and the order would be the recommendation to the Governor, whether to approve or deny the Request for Amendment. If the recommendation is for approval, then the Council would draft an amended Site Certification Agreement (SCA) for Council discussion.

Step nine - Ultimately, the Council will vote on issuing the order and make recommendation to the Governor.

This nine step outline that I have outlined in the memo of July 19, 2002, is the process that the CFE, Duke Energy and Council members and staff think will be a credible way for the Council to receive information from the Applicant, from the CFE and the public so the Council can make a recommendation to the Governor.

Staff recommends the Council adopt this proposed process for the expedited review of the Satsop Combustion Turbine Project – Phase II.

Acting Chair Carelli: I think we have the Council's attempt at putting in place a process that gives everybody an opportunity to more fully understand the project and to hear from the Applicant about some of the issues that have been raised by the other parties, by other agencies with respect to some of the impacts they feel may or may not have been adequately addressed in the mitigated determination of non-significance (MDNS). In doing this, it provides the broadest opportunity for just about everyone to participate in that process. From my standpoint, it is one of the things I wanted to see when we approved the expedited process and at this point I would like to hear from the Council a motion to adopt this before we have any further discussion on it.

Jenene Fenton: *I move to approve the recommendation from the staff for the Council to adopt this proposed process as the process for the expedited review process for the Satsop Combustion Turbine Project – Phase II.*

Tony Ifie: Second the motion.

Chuck Carelli: It has been moved and seconded that Council adopt this process. Any questions or comments from other Council members?

Tony Ifie: I want to thank the individuals who worked hard on putting this plan together. I understand there is suppose to be two fact sheets, on step five it talks about it. In addition to the PSD permit fact sheets, there are several fact sheets listed.

Allen Fiksdal: I think the fact sheets listed are essentially the same. In step seven, if the information sheets that Duke Energy and the PSD fact sheets don't answer the questions, then the company can either prepare more information or be available at the panel discussion to answer questions that the Council has.

Jenene Fenton: Step five lists that a requirement that a fact sheet be prepared for both the PSD and the NPDES. Step seven talks about the fact sheets that the Applicant is going to put together to address some of the questions Council raised.

Allen Fiksdal: We have asked Duke Energy and Energy Northwest to prepare those answers to the questions and have them available and ready to issue at the same time as we would issue the fact sheets for PSD and NPDES. We want the public to have an opportunity to read this information before we have a public meeting so they can address the information at the public meeting.

Tony Ifie: According to your schedule here, it shows that all is supposed to be done by August 26. But on September 4, they is another meeting.

Allen Fiksdal: At the end of August is scheduled a public meeting in Elma or Montesano, most likely an evening meeting, as part of the hearing to the NPDES and PDS permit and the open public meeting for comment on the project. About a week later, have a panel discussion for the Council members to ask Duke Energy and Council for the Environments representatives about any additional questions you may have, particularly on CO2 and other items mentioned.

Tony Ifie: What about step eight and preparing an order.

Allen Fiksdal: As a result of Council's process, the Council must prepare an order and on the phone with us is Julian Dewell, the Administrative Law Judge, that will work with the Council to help prepare and Administrative Order and recommendation to the Governor., The result is an Administrative Order with a recommendation to the Governor on the Findings of the Council. If it is a recommendation to approve the project, then a draft amendment to the site certification agreement would be sent with the Order. Judge Dewell will help you prepare that document. But I don't think you want to start doing that until you have all the information.

Tony Ifie: Step eight states at some time the Council needs to determine the exact process for deliberations of issue.

Allen Fiksdal: That is really a question for Rusty Fallis, the Council's Assistant Attorney General, because this isn't an adjudicative proceeding, where you have testimony and rebuttal and then private deliberations. You have to prepare the Order, vote on it. The nature of that process and how that will unfold should be a discussion between you and your AAG.

Dick Fryhling: Is there still an opportunity for additional public meetings, if needed.

Allen Fiksdal: Yes, this is the outline of a schedule; the dates listed are planning dates to allow some sense of when these events might occur. It would be nice to stick with this schedule if possible. If you find that additional public meeting are necessary, or additional steps are necessary, that would not preclude you from changing or adding to this schedule. This is a planning process, with the inherent knowledge that there could be some modifications if necessary.

Chuck Carelli: As a follow up, have we made arrangements for meeting locations?

Allen Fiksdal: No.

Chuck Carelli: So these dates are tentative and with the information provided today, we may have extended these dates by possibly a week, because of the NPDES and PSD. Do you have a comment in that regard Ms. McGaffey?

Karen McGaffey: I am concerned about these dates shifting since we seemed to all have our calendars out, particularly the September 4th date. I have people coming in from out of town. I understand the need to move the PSD and NPDES issuances dates, I would like to hold on to the September 4th date for the panel.

Jenene Fenton: The September 4th date might be problematic?

Mike Lufkin: I have some other comments. On your point, I would like to reiterate the need without expressing an opinion on that particular date I do think there is a strong need to pick “a date” as soon as possible. Especially what the schedule does seems to put a very big burden on myself in particular in lining up experts.

Chuck Carelli: I would like to ask a hypothetical question. What happens if Council is unable to hold a PSD and NPDES hearings at the same time we have the public comment meeting in Elma or Montesano?

Allen Fiksdal: We can schedule that hearing at any time, it doesn't necessarily have to be the last day of the comment period. It has to be within that 30-day time period. We are somewhat flexible in that date and don't see any reason why those three events couldn't take place at the same time.

Michelle Elling: The NPDES isn't going to be that significantly delayed; it's just that there is a time gap from when I get the final documents and when I can get it out the door. This is why I stated Friday may be a little optimistic for me to get this done. If the applicant can get us their facts sheets, and depending on what Irina finds out about the PSD, it's not that big of a shift. Setting up the public hearing to address NPDES, PSD and the fact sheets doesn't seem like a problem. As Allen said, we can always set the public hearing before the end of the comment period.

Irina Makarow: One clarification I would make. The PSD rules require a 30-day notice of the public hearing, so you cannot hold it before 30 after issuing the PSD for comments; it is a 30-day public notice requirement. I suspect it is similar for the NPDES.

Chuck Carelli: Does holding the informational meeting prior to the hearing for PSD and NPDES create a problem for the applicant or CFE?

Karen McGaffey: There would be two separate night-time public hearing meetings.

Chuck Carelli: There may be two separate meetings; the public informational hearing meeting and second would be a hearing on NPDES and PSD.

Karen McGaffey: Our preference, like probably everyone else, would be to do it all in one night, but which ever works best for the schedule, we could do either.

Mike Lufkin: Mr. Carelli, are you saying doing this all in the evening or all in the course of the same day. I think it is important that there be an opportunity for individuals to attend, for those that may work at night have an opportunity to attend during the day and vice versa. I wouldn't have a problem with it all being in one day, but the day night thing is a good thing to try.

Chuck Carelli: If we wind up holding the NPDES and PSD hearings a week after the public informational meeting and hearing, does that create a problem for you.

Mike Lufkin: No.

Jenene Fenton: I thought the concern was moving the September 4th date. I would have a problem not having the opportunity to hear the public input and the hearings on the PSD and

NPDES prior having the panel discussions, because there may be questions out of those hearings that I may want to ask.

Karen McGaffey: It sounds like the PSD and NPDES permits are likely to go out early next week instead of by the end of this week, which would still allow that public meeting to be held the week before the 4th. Instead of being on Monday, like we have been looking at our calendars, it could be on Wednesday or Thursday.

Chuck Carelli: Keeping in mind we will be dealing with a holiday weekend.

Bill Frymier: I would like to make a point about one of the other steps. The Department of Fish and Wildlife would much prefer a date different other than the 4th for the panel discussion. It will be difficult for the Department to make presentation on the 4th.

Allen Fiksdal: Ms. McGaffey, are all your people scheduled for the 4th.

Karen McGaffey: Yes.

Bill Frymier: Looking at step 4 of the version I have, entitled “date to be determined, process working group reconvene”, could I suggest that that meeting with the people identified, be expanded to include the Department of Natural Resources and members of the public, so everyone could have a chance to understand the information that is out at that time and determine what, if anything, the Council members feel need more discussion. In the panel discussion, you have listed the CFE and Duke Energy presenting information. There may be other entities that want to participate or could help you by providing information. We would know that just after step 4, which would be after the initial sheets for NPDES and PSD.

Chuck Carelli: I don’t believe you are precluded from participating on those panels. If there is an issue that you want to be heard on, we would like to know early on what that might be. I believe the Applicant would be very interested as well, so they could be prepared to have someone on that particular subject available.

Bill Frymier: I was pointing to that step 4 meeting as a place to flush out questions Council members have that are participating, or the Department could clarify its issues to the But as other people have issues and the Council picks up those issues, others may be able to help you on the panel discussions. The step 4 meeting might be the place to provide some organization for that.

Allen Fiksdal: If I recall correctly, in step 4, date is to be determined, the process working group would reconvene specifically to look at PSD and NPDES to see if there are issues regarding air and water quality that needed to be addressed in more of a panel type format at a later date. We have received the copy of the Department of Fish and Wildlife’s concerns and the questions your department has. These have also been transmitted to Duke Energy. That meeting was originally supposed to be next Monday, but obviously we cannot get the PSD out before that meeting, but it was specifically to look at the PSD and NPDES fact sheets and determine if the panel needed to be convened on the 4th of September.

Mike Lufkin: That raises a couple of issues I would like to address now. First, just for the record, there are some points of disagreement in that meeting that this process came out of that weren’t reflected in this document that was submitted to the Council; one of those being, the exclusivity of both of these panels. I suggested in that meeting, that at a minimum the Department of Ecology and the Department of Fish and Wildlife be at least presented with the opportunity to have someone on those panels. I don’t recall whether or how we reached any agreement if we reached agreement at all. There was definitely a discussion on where should that line be drawn between inclusion and exclusion. I like Bill Frymier’s idea of leaving the meeting open and seeing who comes forward. There definitely is an issue of exclusivity and I don’t know if this document was even sent to anyone in the Department of Ecology, so at this

juncture, I don't know if they are even aware of some of these issues. Second, while being afforded the opportunity, particularly in the area of CO2 and in some other areas, there are some limitations to my ability to a) act as a representative for a number of different groups and agencies, and b) there's some limitations to technical, as well as from a financial resources, and my ability to bring in these experts. That makes it all the more important why I think we need the people from WDFW and Ecology who deal in those issues to be brought into this process. A few other specific concerns are a repeat in some ways to what Bill Frymier stated, in step 4. When I look at the NPDES and PSD permits, it listed the meeting date, on a date to be determined and we originally had a 3-day time period. Those are pretty technical documents and I am a lawyer and do not have a very deep understanding of these things, so I will need to consult with other individuals on those documents. Three days does not provide adequate time for me to do that. I would like to suggest perhaps two weeks to review those documents. I would like a point of clarification on the Duke fact sheet. Will it answer specific questions? I would offer that those answers do need to be in writing. What I heard from the Council at the vote for expedited processing was that there was information missing or at least it wasn't assembled in a way that they could interpret it. Those questions get to the heart of the information. Answering that in a written format allows both public and the Council a place to go and look. The perfect example of that is the greenhouse gas plan offered by Duke is a page and a half long. By contrast the Chehalis plan is 17 pages long, with an eight-page cover that completely explains what they are proposing. I really don't even know where to begin with the Duke plan that has been presented that's a page and a half. There are a lot of questions that haven't been answered, so I think it is a necessity that these questions be answered in writing. The other issue is dealing with the fact sheet. Some of us aren't sure what the NPDES permit is actually going to come out looking like. There has been a lot of debate back and forth.

Allen Fiksdal: Let me comment specifically on that issue. The NPDES and PSD are draft documents that are out for comment and that Applicant as well as you or any member of the public can comment on. The Applicant may not agree with some of the contents of the draft documents, so if they were to answer those questions differently, it may not surprise me. .

Mike Lufkin: I raise the point because I think it would be understandable if there were smaller issues, such as a debate on the effluent limitation, but my understanding is that we are even talking about a different technical point of discharge. To me, that seems like that there should be at least clear agreement in the permit and fact sheets.

Chuck Carelli: I would like to continue around the table to provide the opportunity for all Council members to comment.

Isabelle Lamb: I am not as familiar with all the dates being discussed, but it seems to me that as we progress we are falling behind. If someone sat down with the Applicant, I would think they could get an answer. I don't know what that process could be, because as a Council member, you cannot go and discuss with the Applicant, but a staff member probably could discuss and get answers. I mentioned to Jenene I would like to go on a site visit, as I am very confused about the discussions about the greenhouse gas. Duke Energy and other facilities have been in existence for a while and if we had an opportunity to find out what their experience was, they would have had to go through a process that satisfied a council as well as the public.

Jeffrey Showman: Do I understand we can get an NPDES permit out by next Tuesday or Wednesday? That puts 30 days at August 29th. The date on step 5, evening public comment meeting, the August 26th date is driven by the July 26th date earlier? If that date changes to August 29 or 30, Thursday is preferred. Jenene, do I understand that you would like to have the

NPDES public meeting to inform the panel to follow? Ms. McGaffey, do I understand that you have nailed down speakers for the panel on September 4th? Given those sorts of rules, the proposed process sounds reasonable. The project, which I have been working on for the past 3-4 months at the Commission, is all around calendaring and scheduling for administrative hearings. One of the key concepts that has emerged is the concept of the “date maker” versus the “date taker”. Somebody has to be the date maker and if you try to satisfy all parties, you are going to end up with a date sometime next February. I would suggest the Council is the date maker and the next most important party in statute is the applicant and any other statutory parties should be coordinated with to the maximum extent. We do need to get on with this and I think the dates outlined in the proposal seem reasonable and will accomplish the statutory requirements as well as the Council’s needs for sequencing of information. I am prepared to support the proposed process.

Jenene Fenton: I am concerned, because the representative from Fish and Wildlife would have difficulties being present at the September 4th meeting. That concerns me because we have had ongoing issues, especially with the NPDES permit. I made sure that the representatives from the WDFW got copies of the proposed schedule so they would have an opportunity to respond. I think Mike Lufkin also pointed out that he was trying to represent all the interests. I am concerned that Mike can’t get, or has difficulty coordinating people to participate on the panels. e I want to make sure we have adequate representation to hear the other side of the story. I want to make sure Mike Lufkin has adequate time to coordinate with WDFW and Ecology and others necessary. I am not speaking against the proposed schedule, except the September 4th date for the reasons I have just stated.

Jeffrey Showman: Jenene, what is preventing WDFW from being at the September 4th meeting?

Jenene Fenton: The representative who has the responsibility for the Satsop project has to be in Eastern Washington for a meeting on Hanford on the same day, because she has those responsibilities also.

Jeffrey Showman: Perhaps something could be worked out for that week.

Chuck Carelli: Ms. McGaffey, do you have any ideas on how to work out the scheduling conflict presented on September 4th?

Karen McGaffey: My suggestion would be that we try to schedule for that week and I will talk to the panel participant that we would have to see if the 5th or 6th would work and will try to coordinate with WDFW and Ecology to make sure one of those dates would work.

Chuck Carelli: I share Mr. Showman’s interest in firming up a date as early as we can and I believe the week of September 4th is desirable and we need to do that, so if we can leave that date somewhat flexible. I have one other suggestion, looking at step 4, and date to be determined, wondering if we could orchestrate it in such a way so we have a good week to 10 days to review the fact sheets. I don’t know that the review is triggering anything else, with the exception that the Applicant may have to address additional issues in the fact sheet prior to the panel discussions. If that is the case, there may be another issue thrown on the table that would have to be addressed at a later time. If we could allow a week to 10 day to really review the PSD and NPDES permits and then decide if there are other issues and if there are issues suggested, we would have to put an additional panel on, it still gives us some time to orchestrate that.

Allen Fiksdal: If that is the case, the date would be something like August 10th or 12th. A reminder that the Council meeting is Monday, August 12th.

Chuck Carelli: Perhaps we could do that prior to the Council meeting, in the morning, or perhaps after the Council meeting. The Chair may have an interest in this meeting, but if so, he is scheduled to meet with the Department of Ecology at 4pm on August 12th.

Allen Fiksdal: I don't think there will be a conflict with his schedule and attendance.

Chuck Carelli: The Council, the Applicant and the CFE would get together on the 12th of August to look at the subject of PDS (air) and NPDES (water) to determine if we need to provide a panel on that subject or whether things just need to be clarified by the Applicant. We still have to firm up the date for the panel during the week of September 4th.

Bill Frymier: Mr. Carelli do you care if the WDFW among others attend that August 12th planning session?

Chuck Carelli: Without Rusty our Attorney General not here to comment on this question, I don't have an opinion on this question.

Jenene Fenton: Since your not going to be here, I don't care. I would prefer that WDFW and Ecology would be present if possible. I am not sure if anybody from Ecology if available. I would welcome Ecology's participation.

Allen Fiksdal: It's up to the Council members to decide.

Tony Ifie: In Step 6 regarding the panel discussion was there any thinking by the group about the fact that there will be panel members discussing issues and then does the public get a chance to make comments on the information that has been presented. Or does the panel just present information to the Council?

Allen Fiksdal: A public meeting would have been held a week earlier for public comment on any issue. The questions raised for the panel discussion are specific questions the Council members had and don't believe that panel would be open to inquiries by the public, however it is up to the Council to decide on the format.

Chuck Carelli: My understanding is this will be a public hearing, where the Council is taking testimony, hearing information pertaining to the project, the panels would present information specific to the topics at hand. Following that, there would be an opportunity for public comments based on what was heard. At one point, we thought about holding the panel prior to the public hearing and we opted to hold it after the public comment meeting so we would have the opportunity of hearing public comments and concerns. We would also have the opportunity of panel discussions on the topics the Council had continued concerns on. I don't think we should not accept public comments.

Jenene Fenton: Mike Lufkin suggested that the Applicant provide answers to the questions in writing and the Applicant has offered to do so if the Council would like that. How does the rest of the Council feel about that proposal?

Chuck Carelli: We are going to have a fact sheet and the Applicant has the questions that Council has prepared and talked about, hopefully the fact sheet will be inclusive and address many of those questions as possible.

Karen McGaffey: Part of what we are struggling with in preparing a fact sheet is in order to respond to all of the questions, we would have a fact sheet 100 pages long. It seems to be counter to the purpose, shorter is better. It is our intention to try and answer the basic questions about what is the project. There are a number of very specific questions on the list that were provided that we were not planning on addressing in the fact sheet. Although there are questions we are happy to answer for the Council either in writing or orally, it is your preference.

Chuck Carelli: Mike Lufkin, what is your understanding with where we were going with the fact sheet?

Mike Lufkin: I was operating under the assumption these are questions that the Council feels they can't draft an order until they have some answers. That says to me that either the Application is not complete, or clear, or it is complete but not clear enough. Written answers to these questions would help clarify for everybody, not just the Council but, the public and interested parties. One of the hallmarks of this whole process has been the tiering of how its been conducted, so having the answers in written form might be really beneficial. One of the things that may be done to reduce the length is reference other documents in areas where it might get real lengthy, so people has someplace to go to answer specific questions.

Chuck Carelli: Council having heard what Mike has just stated, are there any comments?

Jenene Fenton: The reason we have two panels identified is because those two panels address 80 % of the questions that we have, understanding that we haven't seen the PSD and NPDES, there might be more questions associated with that stuff. The remaining questions were ones that the Applicant felt were basic misunderstandings or not really understanding what was being proposed. Those responses could be in the form of a fact sheet. Since we haven't seen the Applicants response, we are assuming they are going to provide short and sweet responses. If they don't, they we will talk about it on August 12th. . The reason we are having the panel discussion, is because there are a whole lot of questions associated with CO₂ and water, cumulative impacts, low-flow issues. So we knew we were going to have to tackle that in one way.

Chuck Carelli: Do you recommend holding on off on written answers to all of the questions until after August 12th?

Jenene Fenton: Correct, other than the fact that the basic answers.

Chuck Carelli: Thanks for being patient while we have had this long discussion. If there are any public who would like to make comments now would be the time; come up front, have a seat and identify yourself please.

Terry Franklin: Good afternoon. My name is Terry Franklin and I live in Grays Harbor County. I am very concerned about the way EFSEC is handling the Satsop Combustion Turbine project. I have a problem with the way information has been issued at EFSEC. I am on the mailing list for this project and was not informed that you would be making a decision on the expedited process, or that was even a chance that you would be making your decision without the public testimony hearing. Emails that were sent to me said that you would not make a decision on the expedited process until public testimony was taken at a meeting to be scheduled and noticed at a later date. Now I am informed that you made a decision to expedite the process at a meeting of July 8, 2002.

What happened to our meeting? Here is your notice of the 14th and if you want my emails, I have them. Right here it says you are not going to do that without a public hearing or taking public testimony. So that kind of blew me away when I got this email and you are having a meeting and you had already done that. At the July 8th meeting, the Council unanimously approved expedited processing for the project. Despite acknowledging there were numerous unanswered questions. Could this be seen as a violation of the Appearance of Fairness act? I find it very ironic that information about the environment is still coming in and you are making decisions without all the facts. How do you develop a process without all the information? I do not want to appear to be rude, but when people in government positions start acting as if they don't have to go through the public process, it tends to make people like me very distrustful of my government. It appears to me that you are working for Duke Energy, not the people of Grays Harbor or the State of Washington.

Why is it so important to rush this Phase II portion through? What is wrong with making intelligent, well-informed decisions? It gives the impression that if all the facts were in, the project would not go beyond Phase I. It is like we have to hurry this up before the people in Grays Harbor or the State of Washington realize what the consequences of these actions truly are.

I am glad I came here and listened to what you guys had to say today because it has made me feel a little better, but I have been watching for the public notice, public testimony, before you made the decision on expedited process and I kept watching and watching and I never got it. Then I get this email about this special meeting today and find out that it has already been done on July 8th. To me, that is very, very frustrating. That is all I have to say, thank you very much for your time.

Chuck Carelli: Any one else want to make a comment? Please identify yourself please.

LeRoy Tipton: I am LeRoy Tipton, from Aberdeen, Washington. I am with a group from Grays Harbor Chamber of Commerce. I spoke when you had your last public meeting in Montesano, about January 12th and I was in favor of the expedited process. I want to say that a Council like yours expects what we are going to say pretty much before we get up here. When I identify myself as LeRoy Tipton of the Grays Harbor Chamber of Commerce, you might understand that I am very concerned and very interested for two reasons for Grays Harbor.

One, I am interested in our quality of life that we enjoy; it's fantastic. Secondly, I am interested in jobs and job creation. We have seen already an outstanding direction in job creation. Grays Harbor is now less than 8% in unemployment in our county, the Chamber is bragging about that. We do have 1,020 more people working today at the end of June than we did a year ago. That has been important to our entire economy and some of those jobs are there at Fuller Hill and some of those jobs are with Duke Energy, Phase I. It is already permitted, already under way. I was amazed to read in our newspaper over the weekend, that there was a large solicitation of people to protest what is happening at Satsop. They are getting protestors from Thurston County and they wanted more protestors from Grays Harbor County on something that has already been permitted and is under way.

As we deal with these issues, and have the permitting and have information in regard to Phase I, I am speaking on behalf of continuing to expedite the process for Phase II. I will watch with interest any further public hearing so I might be present or at least go on record there and support the process that we have heard. The information that we have heard is still something that does not concern us as the majority. One of the reasons that the newspaper article pointed out was that not enough people in Grays Harbor are concerned. The reason that more people are not concerned is that we do not have cause for concern. We just have reason to be delighted that economic development is happening.

Your job, I understand, is to review all the facts and look at all the information in regard to permitting. And your staff has been able to provide you with that information today. You are seeking more information from the applicant and will follow that along.

Chuck Carelli: Any other comments, anyone on the telephone line wish to make a comment?

Jenene Fenton: Call for the question.

Chuck Carelli: Does the Council understand the process and dates that we have laid out and what we are going to do to get this through September 4, when we would have a panel discussion and public information meeting? The question has been called, all those in favor indicate by saying "I".

Council persons: "I". (Unanimous vote in favor of the motion.)

Chuck Carelli: Any opposed? (No comments) Then, motion carries and we do have a process and schedule as it is, adopted. Any other items to come before the Council today? Hearing no other items, the meeting is adjourned.

(The meeting was adjourned at 2:35 p.m.)